



Public Service Commission State of North Dakota

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December 2, 2021

Mr. Steve Kahl
Executive Secretary
ND Public Service Commission
600 E Boulevard Avenue Dept. 408
Bismarck, ND 58505-0480

via Hand Delivery

Re: Case No. PU-21-381
Northern States Power Company
2021 Natural Gas Rate Increase
Application

Dear Mr. Kahl:

Enclosed is a copy of the Staff Response to Application for Protection of Information to be filed in the above captioned case.

Best Regards,

Brian Johnson
Legal Counsel

Enclosure

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Northern States Power Company
2021 Natural Gas Rate Increase
Application**

Case No. PU-21-381

STAFF RESPONSE TO APPLICATION FOR PROTECTION OF INFORMATION

On September 2, 2021, Northern States Power Company (NSP) filed an Application for Protection of Information to protect certain information in the captioned case.

The information for which the Company seeks protection includes information related to the Interruptible Class and Firm Transport Class members.

The Company states that this information is commercial information because it is “information pertaining to buying and selling of goods and services that has not been previously publicly disclosed and that if the information were to be disclosed . . . would cause substantial competitive injury to the person from which the information was obtained,” as provided in N.D.C.C. § 44-04-18.4(2)(a).

The Company further states that the information is trade secret because it is information that “(1) [d]erives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons that can obtain economic value from its disclosure or use; and (2) [i]s the subject of efforts that are reasonable under the circumstances to maintain the secrecy of the information,” as provided in N.D.C.C. § 44-04-18.4(2)(d). The Company further states that the information sought to be protected meets the definition of “trade secret” set forth in N.D.C.C. § 47-25.1-01(4). Such information has been marked as TRADE SECRET in

NSP's responses to data requests and in the pre-filed testimony submitted by NSP, or may arise or be discussed in the hearing or hearings in this matter.

The application further states this information, potential competitors of the customers from whom the information was obtained could learn the quantity of natural gas the customers consume and the revenue Xcel Energy receives from the customers. Competitors could also learn Xcel Energy's projections about individual customer's consumption of natural gas and future revenues from the customer. This information could give competitors insights into the customers' operating expenses and practices for controlling its expenses. Competitors could use this information to set prices for goods and services that are more competitive than the customers' prices.


The confidentiality of this information has been maintained by NSP. The information is not disclosed to the public or to persons other than employees or authorized agents who need to know the information to fulfill their responsibilities in connection with the subject matter of the information.

NSP has requested that this, and similar types of this information, be treated as trade secret in all of NSP's regulatory filings and other sharing of this information with governmental entities.

Staff believes that NSP's application satisfies the requirements of the North Dakota Century Code for protection of the information, which is the subject of this request.

For reasons set forth above, Staff recommends that the Commission grant the application of NSP to protect certain information filed in the captioned case.

Dated this 2nd day of December 2021.

A handwritten signature in black ink, appearing to read 'Brian Johnson', written over a horizontal line.

Brian Johnson
Special Assistant Attorney General Bar ID 07397
North Dakota Public Service Commission
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701-328-2407

